

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK RYAN O'LEARY,

Defendant.

CR 19–33–M–DLC

ORDER

Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), Defendant Patrick Ryan O'Leary renews his motion for sentence reduction. (Doc 87.) While the Government has not yet filed its response brief, it indicates that it again objects to sentence modification. (Doc. 89.) The Court will wait until the issue is fully briefed to rule.

In the meantime, though, the Court feels compelled to convey its concern regarding a fact central to O'Leary's motion. That is, while O'Leary represents that a doctor in Spokane waits on standby to perform the desired transplant procedure, he has failed to provide the Court with any verification from the doctor that this is indeed true. O'Leary's criminal history, combined with the Court's knowledge—superficial as it may be—about the health status of his proposed organ donor, leads the Court to approach his undocumented assertions with skepticism. (*See generally* Doc. 63.)

Accordingly, IT IS ORDERED that O'Leary shall provide the Court with a letter and/or medical records from his treating physician in Spokane regarding his status and eligibility as a transplant patient on or before April 22, 2020.

DATED this 13th day of April, 2020.

A handwritten signature in blue ink, reading "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, District Judge
United States District Court